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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,661	12/14/2000	Arturo A. Rodriguez	A-6280	8279

7590 07/19/2004

Scientific-Atlanta Inc
Intellectual Property Dept MS 4.3.518
5030 Sugarloaf Parkway
Lawrenceville, GA 30044

EXAMINER

AN, SHAWN S.

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 07/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,661

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Shawn S An

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-39 and 50-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-39 and 50-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Restriction/Election

1. Applicants' response to election/restriction as filed on 5/6/04 by canceling the non-allowable claims are deemed proper by the Examiner. Therefore, as stated by the Applicants' representative, since all the non-allowable claims are canceled, the election requirement is rendered moot.

The requirement is now officially deemed proper and is therefore made FINAL.

2. As per Applicant's instructions in Paper 21 as filed on 5/6/04, claims 1-36 and 40-49 have been canceled, claims 37-39 have been amended, and claims 50-52 have been newly added.

Response to Remarks

3. Applicant's remarks with respect to previously amended claims 37-39 and newly added claims 50-52 as quoted as being allowable claims have been carefully considered and acknowledged, but, are moot in view of the new ground(s) of rejection based on the Examiner's last updated search normally practiced before an official allowance.

Note: Based on a telephone conversation between the undersigned attorney and the Examiner previously, the Examiner apologizes to the Applicants for not informing the last updated search.

Note: the Examiner at least made a courtesy call to the undersigned attorney, and briefly discussed the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 37-39 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyce et al (5,614,952) in view of Kalra et al (5,953,506).

Regarding claims 37 and 50, Boyce et al discloses a video decoding system and a method for adapting to resource constraints, comprising:

retrieving a first set of video data from a memory component (116), wherein the first set of video data corresponds to a first video picture; scaling the first set of video data into a second set of video data corresponding to a second video picture that is smaller than the first video picture (126);

transmitting the second set of video data to a display device (Fig. 1, To Display), wherein the second set of video data is not stored in the memory component prior to being transmitted (but, stored in 114); and

transmitting graphics data (Fig. 4, 401) to the display device (To Display), wherein the graphics data is displayed contemporaneously with the second set of video data (402, 403).

Even though Boyce et al discloses the use of a plurality of data reduction technique, Boyce et al does not specifically disclose determining whether a resource constrained mode is to be initiated, and responsive to determining that the resource constrained mode is to be initiated, initiating the resource constraint mode.

However, Kalra et al teaches a scalable media delivery system, comprising determining whether a resource constrained mode is to be initiated, and responsive to determining that the resource constrained mode is to be initiated, initiating the resource constraint mode (col. 17, lines 25-55).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing Boyce et al's decoders to incorporate the concepts as

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above as taught by Kalra et al, thereby effectively scaling streamed video data for a display on television.

Regarding claims 38 and 51, Boyce et al discloses the memory component storing compressed video data (116) and the decompressed video data (118)..


Regarding claims 39 and 52, Boyce et al discloses the memory component being coupled to a video decoder (Fig. 1).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).

7. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

7/11/04